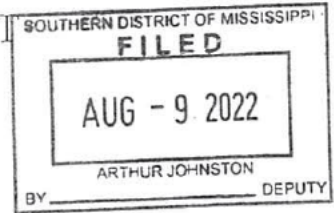


1983 - SOUTHERN

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

UNITED STATES DISTRICT COURT

for the

Southern District of MississippiSouthern Division

Case No.

3:22cv 455-CWR-LGI
 (to be filled in by the Clerk's Office)

Eddie Mc Coy, L2187

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-
Warden J. Vigilante, Capt. Ray,
Unit Manager: Mr. Smith, Sergeant Naylor,
and C/o Ms. Young

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
 (Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name Eddie Mc Coy
 All other names by which
 you have been known: _____
 ID Number L-2187
 Current Institution South Mississippi Correctional Institution
 Address P.O. Box 1419
Leakesville MS. 39451
City State Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name Warden J. Vigliante
 Job or Title (*if known*) Warden
 Shield Number _____
 Employer East Meridian Correctional Facility
 Address 10641 Hwy 80 West
Meridian MS 39307
City State Zip Code
☐ Individual capacity ☒ Official capacity

Defendant No. 2

Name Ms. Ray
 Job or Title (*if known*) Captain
 Shield Number _____
 Employer East Meridian Correctional Facility
 Address 10641 Hwy 80 West
Meridian MS 39307
City State Zip Code
☐ Individual capacity ☒ Official capacity

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

Defendant No. 3

Name

Mr. Smith

Job or Title (if known)

Unit Manager

Shield Number

Employer

East Meridian Correctional Facility

Address

10641 Hwy 80 West

Meridian

City

MS

State

39307

Zip Code

☐

Individual capacity

☒

Official capacity

Defendant No. 4

Name

Mr. Naylor

Job or Title (if known)

Sergeant

Shield Number

Employer

East Meridian Correctional Facility

Address

10641 Hwy 80 West

Meridian

City

MS

State

39307

Zip Code

☐

Individual capacity

☒

Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐Federal officials (a *Bivens* claim)☒

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

8th and 14th Constitutional right's Protection from harm; cruel; unusual punishment.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

30411(a)

Defendant

Name	Ms. Young
Job or Title (If known)	C/O Correction officer
Shield Number	
Employer	East Mississippi Correctional Facility
Address	10641 Hwy 80 West
	Meridian Ms. 39307

City

State

Zip Code

☐ Individual Capacity☒ Official Capacity

8th; 14th Constitutional Rights

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

See attached pages 4 of 11 (a)(b)(c)(d)

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

See Exhibit's 4 of 11 (E) and attached

Defendant (1) How each defendant is involved
 Warden: J. Vigilante, 8th and 14th U.S. Const.

- (1) acted under color of local, state and federal law by being "deliberate" to repeated prison violence. Warden Vigilante placed false RVR's on my record after Incident he is also working with inmates covering up my assault, say Quote: That I, McCoy cut myself.
- (2) He also worked with the Unit Manager Mr. Smith, and the inmates to cover up my attack. The warden is in violation of MDOC (policies #20-05-01) protection from harm and Security Threat Group Management (Policy #16-19) & MDOC (Policy #12-01) C.I.D. Inspection and Investigation policy #12-01, Notification of Incidents to C.I.D. MDOC (Policy #12-04) and Criteria for C.I.D. Investigations MDOC (Policy #12-05) and M.D.O.C. Grievance Procedures (Policy #20-08-01)
- (3) I, McCoy filed (3) three Grievance Complaints the first one filed May 30, 2022, second one filed on 5/31/22, & third one filed on June 2, 2022 See Attached Exhibit's (A), (B), & (C) A.R.P. Stamped and sworn to by Notary public [See also Inmate Request Form to Case Manager dated June 2, 2022 Stamped and sworn to by Notary public all filed asking for help. Exhibit (D)]
- (4) I, McCoy was shipped off before receiving a response from either A.R.P. that was filed nor was one (1) forwarded to me at Current Address. My rights to the grievance procedure was violated.

Date of incident 5/30/22

E.M.C.F. East Mississippi Correctional Facility
East Meridian Correctional Facility

Same Place

4 of 11 (b)

Defendant (2)

How each defendant is involved

Captain Ray

8th and 14th U.S. Const.

(1) acted under color of local, state and federal law by being "deliberate" "indifferent" to repeated prison violence. Captain Ray worked with gang members inmates to get me put in lock down for no reason. I, McCoy was not suppose to be in lock down, Capt. Ray did false reports and had me placed in lock down on April 26, 2022 i, McCoy was attacked 5/30/22, while in lock down.

(2) The Captain Ray is also in violation of M.D.O.C. (Policies #20-05-01) protection from harm, Security Threat Group Management (Policy #16-19), M.D.O.C. (Policy 12-01) C.I.D. Inspection and Investigation Notification of Incidents to C.I.D. M.D.O.C. (Policy #12-04), Criteria for C.I.D. Investigation M.D.O.C. Policy #12-05), & Grievance Procedure (Policy #20-08-01)

Date of incident 4/26/22

E.M.C.F. East Mississippi Correctional Facility ; East Meridian Correctional Facility
Same Place

To be Noted: All defendant's knowingly violated Their Oath's see Attached Exhibit

4 of 11 (C)

Defendant (3) How each defendant is involved

Unit Manager: Mr. Smith, 8th and 14th U.S. Const.

(1.) Acted under color of local, state and federal law by being "deliberate indifferent" to repeated prison violence. I, McCoy begged for days to move me because the lights and sink didn't work. He, Mr. Smith worked with inmates and warden Vigilante to cover up my attack.

Date of incident 4/86/22

(2.) Unit Manager: Mr. Smith is also in violation of M.D.O.C. (Policy #20-05-01) protection from harm, M.D.O.C. Policy #16-19 Security Threat Group Management, Notification of Incidents to C.I.D. M.D.O.C. Policy #12-04).
E.M.C.F. East Miss. Corr. Facility

Defendant (4)

Sergeant: Naylor, 8th and 14th U.S. Const.

(1.) acted under color of local, state and federal law by being "deliberate indifferent" to repeated prison violence. Sergeant Naylor was the floor officer he was no where to be found, he was the first officer on the scene. Inmates told him that I, McCoy had stabbed myself. Sergeant Naylor, Unit Manager Mr. Smith, Captain Ray, and warden Vigilante not one of them had this matter investigated. Sergeant came on looked at me and left, he stayed missing for over 30 min's too a hour before he came back with help.

(2.) Sergeant Naylor, is also in violation of M.D.O.C. (Policy #20-05-01) protection from harm, M.D.O.C. (Policy #16-19) Security threat group management.

Date of incident 5/30/22

E.M.C.F. East Mississippi Correctional Facility

Med
" meridian " "

Same Place

4 of 11 (D)

Defendant (5) How each defendant is involved

C/O Corrections officer Ms. Young 8th and 14th U.S. Const.

(1) acted under color of local, state and federal law by being "deliberate indifferent" to repeated prison violence. C/O Ms. Young was the Tower officer but the only thing is Ms. Young was not in the tower because she is somewhere else doing the wrong thing with an Inmate while I, M^cCoy was being attack. She left my life to other inmate's who tried to kill me, I was stabbed in my hand and in cut deep across eyebrow, Left eye brow. I had to get "13" stitches.

Date of incident 5/30/22

C/O Ms. Young is also in violation of M.D.O.C (Policy # 20-05-01) Protection from harm.

E.M.C.F. East Mississippi Correctional Facility
 " Meridian "

Same Place

Defendant (6) 8th and 14th U.S. Const.

Unit Manager Ms. William

(1) acted under color of local, state and federal law by being "deliberate indifferent" to repeated prison violence. Ms. William put false information to Classify me with (11 points) meaning I'm (C) custody, but the prison that I'm at now, which is S.M.C.I. case manager over-ruled the 11 points and change it to 8 due to NO R.V.R. They let me stay long enough to heal and before I could receive my A.R.P. response, but they were file see Exhibit's (A), (B), & (C).

Date of incident 6/08/22

Unit Manager Ms. William is also in violation of M.D.O.C. (Policy # 20-05-01), M.D.O.C. (Policy # 16-19) Security threat Group management

E.M.C.F. East Mississippi Correctional Facility
 " Meridian "

Same Place

East Mississippi Correctional Institution (E.M.C.F.)

Statement of Claim

On April 26, 2022 I, McCoy, L2187 was incarcerated and confined to East Mississippi Correctional Institution (EMCF) 4 Delta cell #114. Capt. Ray and CID searched my cell and me and found nothing. They had me placed in Lockdown 5 Bravo cell #116 where the sink and lights did not work. Later on that day April 26, 2022, I begged Unit Manager Smith to be moved due to no sink and no lights. I also begged all that day and every other day, that I had a chance to see someone to be moved from lockdown and there was no reason from the start for me to be there. On 5/30/22 c/o Ms. Young was assigned to Housing Unit Tower 5, but if you review the "camera system" it will show and prove that she was not on post for hours while I, McCoy was being attacked and assaulted, even aggravated assaulted by gang-members and inmates.

I.

On April 30, 2022, Sargent Naylor was assigned to be the floor officer. He was nowhere to be found. After the incident happened he was the first officer on the scene. Inmates told him that I, McCoy stabbed myself. The Sargent falsified his report, "Saying, I, McCoy had cut myself." He came and looked at me and left again and stayed missing for over 30 mins to an hour before he came back with help. After that he took me to the Anderson Hospital in Meridian, MS. I was given 13 stitches over my left eyebrow. I risked from blocking a knife. [See attachments ARP (a), (b), (c) and (d)] I was stab by knife in the wrist as well, trying to block my face, and the rest of my body.

II.

After filing my Grievance through the Administration Remedy Program and while I was healing the Warden had me moved before I could exhaust them. The Warden, Unit Manager Ms. Williams and Sargent Naylor falsified thier reports and had me,

McCoy reclassified from a negative (I) one to eleven (II) points which is C custody and had me moved to S.M.C.I. to cover up what they allowed to happen. after being here my Point are back to Negative (-1) and their are know A.V.P. etc...
III.

On 6/8/22, Warden Viglinate also worked with the inmates and the above staff to cover up their negligence.

Ernie McCoy
Signature

I swear under the penalty of perjury that the foregoing is true and correct.

8/4/22
Date

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C. What date and approximate time did the events giving rise to your claim(s) occur?

See attached Exhibit's 4 of 11 a-d

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

I, Mr. Loy was stabbed because i was in the way of criminal activity. Inmate gang member.

Seen my wounds Lt. Grayed at E.M.C.F.
C/O. Smith at E.M.C.F.
C/O. Mac Donald at E.M.C.F.C/O Jordan at E.M.C.F.
C/O Kates at E.M.C.F.

and Camera Footage, i Medical Record from Anderson Hospital in Meridian, MS.

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

~~Lt. Grayed at E.M.C.F.~~
~~C/O. Smith at E.M.C.F.~~
~~C/O. Mac Donald~~
~~C/O. Jordan~~
~~C/O. Kates~~

13 stitches across my Left Eye and left Arm. I went to Anderson Hospital Meridian, MS.

~~and Camera and Medical records from Anderson Hospital Meridian, MS.~~

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

It is my hope that this Hon. Court will grant me for pain and suffering \$3 million Dollars.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

E.M.C.F. East Mississippi Correctional Facility

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes

☐ No

☐ Do not know

If yes, which claim(s)?

all that i stated in pages 4 of 11 a-d attached.
or A.R.P. Ex.

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

- E. If you did file a grievance:

1. Where did you file the grievance?

East Mississippi Correctional Facility See Attached Exhibit
A, B, & C, & (D)

2. What did you claim in your grievance?

Being assaulted/stabbed, Need to use telephone, & help.
See Attached Exhibit's A, B, & C & (D)

3. What was the result, if any?

I was moved to where i'am now S.M.C.I South
Mississippi Correction Institution and Nothing has been
forwarded to me See Attached Exhibit's A, B, & (C), & (D)

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

it is not close because i never receive response.
See Exhibits A-D attached

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

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- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

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☐ Yes

☐ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

8/4/22

Signature of Plaintiff

Eddie McCoy

Printed Name of Plaintiff

Eddie Wayne McCoy JR.

Prison Identification #

L2187

Prison Address

P.O. Box 1419Leakesville

City

MS

State

39451

Zip Code

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address